

Draft Meeting Notes Re: San Francisco Bay Delta February 16-17, 2011

(1) February 17, 2011: Meeting with Roger Gorke (OW/IO) and Gerald Meral, Deputy Secretary, California Natural Resources Agency to discuss Federal participation in Bay-Delta restoration activities and the ANPR.

Notes:

- Gerald M: Once CA's budget crisis is resolved, SF Bay-Delta likely to be at top of Governor Brown's agenda so we want to be ready to address the tough issues brought up in EPA's ANPR.
- Gerald M: Need for better Federal coordination and engagement. Would an MOU between EPA and ACE make sense?
- Roger G: Often too much time is spent on MOUs that don't do anything -- better to spend the time working with ACE on actual issues like dredging and maintaining levies. Better to take a low-key approach to avoid alienating local governments with a heavy-handed presence.
- Gerald M: I think it would be good to run EPA and ACE processes concurrently [not sure what he meant -- perhaps referring to EISs]
- Gerald M: The counties are very concerned about land being purchased for conservation because it threatens their tax base. TNC and others are buying or plan to buy large parcels (see map of proposed land acquisitions).
- Gerald M: I met with DCC yesterday and they are upset about their perceived lack of inclusion in Bay Delta Conservation Plan process.
- Gerald M: CA Natural Resource agencies want to work with the counties because they can create barriers to conservation efforts.
- Gerald M: A big overlooked contributor to WQ declines are agriculture point source drains that escape regulation because of the power of the ag lobby.
- Roger G: The ANPR should highlight sources of WQ degradation that are not currently regulated.
- Gerald M: On-land treatment of ag-related toxics could be one approach to avoid contamination from the ag drains.
- Gerald M: CA Water Boards have led effort to control ag sources of pollutants not the regulators.
- Gerald M: There is a lot of support from downstream stakeholders for regulating upstream water uses because the downstream folks would obtain more water if regulations applied to upstream users.
- Gerald M: CALFED has substantial science resources to help understand the issues.
- Next Steps: Gerald will meet with Region 9's RA and Karen Schwinn in early March to discuss how California agencies can best integrate their efforts with EPA and other Federal agencies on Bay-Delta issues.

(2) February 16, 2011: Meeting with Roger Gorke and Delta Counties Coalition to discuss Federal participation in Bay-Delta restoration activities and the ANPR.

Notes:

- The Delta Counties Coalition (DCC), a consortium of five California counties in the San Francisco Bay Delta area, met with Roger Gorke from the Office of Water. They work together to advocate for

issues that affect the Bay Delta area, seeking a role alongside state and federal regulators in management of the region.

- They met to discuss the Advance Notice of Proposed Rulemaking (ANPR) (sent out 2/10/11) initiating an EPA assessment of the effectiveness of current programs designed to protect water quality and aquatic species habitat in the Bay Delta Estuary. Through this ANPR, EPA is soliciting input on how water quality and aquatic resource protection goals can be better achieved in the estuary. The ANPR discusses water quality contaminants, including ammonia, selenium, emerging contaminants and pesticides, as well as physical characteristics of waters that are important to estuarine species and salmonids, such as temperature, salinity and wetlands habitat. It also summarizes the regulatory framework for each of these stressors. EPA is soliciting comment on how to best use Clean Water Act programs to improve Bay Delta Estuary water quality. No new rules are proposed and the ANPR has no regulatory effect. The comment period extends 60 days from the Federal Register publication, which will be in about one week.
- DCC was concerned that they were not told ahead of time about this ANPR and wanted to know what steps they could take to ensure their voice was heard in the next stages of the potential rulemaking process. Also concerned that they and other stakeholders were being excluded from the Bay Delta Conservation Process (BDCP), which came out of the previous State Administration but is continuing with the new one as well.
- Roger Gorke explained in more detail how the ANPR works and encouraged the counties to provide significant comments in order to maximize their participation in the ANPR process.
- Roger suggested and it was agreed that the DCC members will contact staff at the Region 9 office to coordinate efforts further, particularly with the comment process for the ANPR.

Bullets for Marilyn:

- The Delta Counties Coalition (DCC), a consortium of five California counties in the San Francisco Bay Delta area, met with Roger Gorke from the Office of Water to discuss the ANPR for the Bay Delta area. DCC is seeking to play a more active role in the discussions and decision-making regarding the future of the Bay Delta area.
- Roger Gorke explained the ANPR process in more detail; DCC members plan to coordinate their efforts to submit comments for the ANPR and follow up with Region 9 staff for further discussion of the Bay Delta Conservation Process (BDCP).